

Policy 4-2 PURCHASING & PAYMENT PROCEDURES

DISTRIBUTION: All Departments

EFFECTIVE DATE: May 28, 2020

SUBJECT: Purchasing Policy

PURPOSE: The purpose of the purchasing policy is to ensure that competitive bidding and fair purchasing practices are utilized by all City departments, agencies or entities that utilize the services of the City of Lawton Finance Department, which will maximize their ability to successfully provide quality service to the citizens of Lawton. This policy shall be the primary source for purchasing procedures.

BACKGROUND: The City of Lawton Purchasing Policy was established in January 2003. On September 1, 2006 the policy was updated by the City Manager and those changes remained in effect until May 22, 2014. On April 22, 2014 the Lawton City Council adopted Ordinance No. 14-11, which increased the contract amounts that required formal competitive bidding in Lawton City Code. The effective date of Ordinance No. 14-11 is May 22, 2014. This purchasing policy was updated on May 22, 2014 to correspond with the increased amounts authorized by City Code. The policy was further updated on November 3, 2017 to remove purchasing limits for Sole Source providers; and further updated on January 1, 2019 and June 1, 2019 to clarify certain language within the Policy. On December 17, 2019 the Lawton City Council adopted Ordinance No. 19-35, which increased purchasing and contracting authority of the City Manager for the procurement of budgeted supplies, materials, equipment and services, personnel or any personal property, from \$50,000 to \$75,000 when the purchases and procurement process does not require compliance with the Oklahoma Public Competitive Bidding Act of 1974. This purchasing policy was updated effective January 1, 2020 to correspond with the increased amounts authorized by City Code. On April 28, 2020 the Lawton City Council adopted Ordinance No. 20-09, by allowing change orders up to \$40,000.00 or 10% of the contract amount, whichever is less, to be approved by the city manager with any change orders so approved being reported to the city council at its next regularly scheduled meeting.

PROCEDURES:

1. General

- a. This policy shall be followed by all City departments, agencies or entities that utilize the services of the City of Lawton Finance Department, making purchases for the City of Lawton, or utilizing City of Lawton funding.
- b. The Finance Director is charged with monitoring compliance with this policy, with keeping department directors and division supervisors informed on problem areas and with providing necessary training to City employees on proper purchasing procedures.
- c. All Department Directors and their Subordinate supervisory personnel are charged with ensuring that all purchases made by their Departments/entities are in accordance with this policy. They are further charged with working with the Finance Department Director in resolving problems and requesting training for their personnel where needed.
- d. This policy does not apply to the selection of contractors for the CDBG Homeowner Rehabilitation Program, and HOME Homeowner Programs. Procedures for selecting contractors for the Homeowner Rehabilitation Program are covered in Administrative Policy 7-1.

2. Capital Outlay Expenditures. In addition to this policy, Administrative Policy 13-1 must be followed for Capital Outlay expenditures.

3. **Exemptions.** §10-1-113C of the City Code exempts architectural engineering, legal and other professional services from competitive bid procedures. Using this guidance, professionals in the arts will also be exempted. §10-1-113D of the City Code exempts utility service from the competitive bid procedures. Purchases for fuels, computer equipment, auto parts, road oils, and PVC pipe are accomplished by spot bidding (§10-1-101C, E and F, City Code). These items may be purchased to a limit of \$75,000.00. 57 O.S. §549.1D allows purchases from the Department of Corrections without competitive bids.

4. **Encumbrances.** Departments/divisions shall encumber funds as necessary to obtain a purchase order in advance. Encumbrances are also used to set aside monies for known obligations. Encumbrances are processed using the guidelines established by this policy. Any requirement for quotes must be adhered to prior to processing an encumbrance.

5. **Sole Source.** There are times when an item is only available from a single source. Sole source requests are approved when the goods/services can be obtained from only one known vendor. The following applies to sole source purchases:

1. Sole source requests must be submitted and approved before the obligation of funds. Sole source requests must be made using the format enclosed as Figure 1. All information required in the draft memorandum must be provided.
2. Before approval of a sole source request, actions will be taken by the Finance Department to find other sources for the goods/services.
3. For repeated purchases from the same vendor, such as library book purchases, an encumbrance may be submitted to cover subsequent purchases. Requisitions submitted after receiving approval must reflect the approval number and date in the Remarks section of the requisition.
4. No City funds are to be obligated before the approval of the Sole Source request.
5. Sole Source approvals shall remain in effect for three (3) years from the date of approval. Following the three year approval period, departments shall be required to resubmit an updated request for approval for a Sole Source vendor.

6. **Computers.** Purchases of computers, computer related equipment, and software must be reviewed and approved by the Information Technology Services (ITS) Director. The requisition must be initialed by the ITS Director prior to being submitted to the Finance Department.

7. **Communications Equipment.** Purchases of radio, pager, telephone equipment or services, and any other communications equipment must be coordinated and approved by the Electronic Maintenance Division or ITS Director. This action must be taken in accordance with Administrative Policy 14-1, dated June 14, 2001.

8. **Department/Division Director Approvals.** All documents submitted for processing must be approved by department/division directors. This includes purchase requisitions, new specifications, requests for bids/proposals (gold sheets), and department/division recommendations pertaining to formal bids and proposals.

9. **Local Vendor Preference.** In accordance with §10-1-102, 10-1-108, and 10-1-116 of the City Code, as amended by Ordinance 99-14, the City may give preference to local vendors who have submitted bids within five percent (5%) of the lowest responsive bidder who is not a local vendor. This preference shall not apply to public construction contracts. "Local vendor" means any person or business whose primary place of business is located and operating within the corporate limits of the City who submits responsive bids for the purchase of goods and materials in response to the City's solicitation for bids.

10. State Contract. Items on the state contract may be purchased without obtaining bids, subject to funds being available, in accordance with city code 10-1-113E.

11. Public improvement construction contracts under \$ 50,000.00 may be awarded to the lowest responsible bidder after receipt of written quotes obtained by Finance Department. Bidders must complete and sign the invitations to bid and contract form as shown in Appendix E. Vendors will be notified at the time of solicitation if mandatory pre-quote conferences are scheduled.

12. Specific purchasing topics are addressed in the following appendices:

- a. Appendix A – Purchasing Limits
- b. Appendix B – Approval Requirements for Purchases
- c. Appendix C – Specifications – Purchases Costing \$10,000.00 or more
- d. Appendix D – Formal Bid Processing
- e. Appendix E – Invitations to Bid and Contract
- f. Appendix F – Contract Change Order Procedures
- g. Appendix G – Special Authorizations
- h. Appendix H – Budget Transfer
- i. Appendix I – Extension of Contracts

REFERENCES: Chapter 10, Lawton City Code and Administrative Policies 7-1, 13-1, and 14-1.

RESCISSION: This policy rescinds Administrative Policy 4-2 dated January 1, 2020.

RESPONSIBLE DEPARTMENT: Finance (Finance Department)



Michael Cleghorn
City Manager
May 28, 2020

Attachments :
Appendix A-I

Figure 1 – Example of Sole Source Request
Figure 2 – Form FN 528 (Gold Sheet)
Figure 3 – Form 36-002 Contract Change Order
Figure 4 – Affidavit for Payment

Appendix A

Purchasing Limits

1. Maximum Purchase Limits.

a) The total limit a department/division may spend on one order, ticket or item without competitive quotes is \$ 4,499.99.

b) A minimum of three (3) oral or written quotes are required to be obtained by the department/division on any one item or total order/invoice that costs between \$ 4,500.00 and \$11,999.99. Dividing a single day's purchase from one (1) vendor into separate tickets will not exempt the purchase from requiring oral quotes. Splitting a purchase to avoid the competitive bidding requirements is a violation of City Code and State law. Quotes must be documented on the requisition or attached as a separate document. A valid quote must include price, quantity, contact name, and telephone number. If quotes have been received from an online source, quotes must include price, quantity, website and phone number. Quotes received will be evaluated according to what is in the best interest of the City without bias. The Finance Department reserves the right to confirm all vendor quotes and may request additional quotes from known vendors if it be in the best interest of the City.

c) A minimum of three (3) written quotes are required to be obtained by the department/division on any one item or total order/invoice that costs between \$ 12,000.00 and \$75,000.00. When submitting invoices to Finance Department for payment, all quotes must accompany the invoice(s).

d) Any purchase over \$75,000.00 requires formal bidding and a contract unless otherwise exempted in this Policy or City Code.

2. Purchasing limits pertain to items not covered by a City requirements contract. Items covered by contract may be purchased above these limits.

3. Costs associated with things such as shipping, insurance, delivery and warranty shall be included in computing the total cost of the purchase. If circumstances surrounding a solicitation will not allow the same to be computed, an exception may be granted by Finance Director.

4. A non-collusion affidavit shall be required with any formal bid over \$50,000.00. If items are on contract, an affidavit must be on file in Finance Department. It is the responsibility of the department/division to obtain this affidavit when needed.

5. For invoices exceeding \$25,000, the department/division must obtain from the vendor the affidavit for payment (Figure 4) and attach it to the invoice prior to sending it to Finance Department for processing.

6. When obtaining oral quotes, one "no-bid" may be accepted if the phone number and point of contact are recorded. No requisition may be processed with two "no-bids". If the department/division is unable to obtain necessary oral quotes, they may forward the solicitation to Finance Department for assistance. The vendor's name, address or website, item type, item price, quantity, and vendor's phone number must be recorded for the oral quote to be complete. The Request for Quotes template located on the P drive may also be utilized and sent to vendors.

7. Multiple purchases of the same item are considered a single item purchase. For example: one (1) item costs \$4,499.99 and may be purchased at will. Two (2) of this same item cost \$8,999.98 and will require three (3) oral quotes. Three (3) of the items cost \$13,499.97 and require three (3) written quotes.

PURCHASING LIMIT GUIDELINES
Maximum Purchase Limits

Purchasing Amount	Department/Division	Finance	Remarks
\$0 - \$4,499.99	X		No Quote Needed
\$4,500 - \$11,999.99	X		Minimum of three (3) oral quotes
\$12,000 - \$75,000	X		Minimum of three (3) Written quotes
\$75,000 or more		X	Requires Formal Bidding

Appendix B
Approval Requirements for Purchases

Approval Level	Routine Acquisitions Below \$12,000	\$12,000 - \$75,000	\$75,001 and over	Special Payments	Computer Related	Communications Equipment	Motive Equipment
Division Supervisor	XX	XX	XX	XX 1	XX	XX	XX
Department Director	XX	XX	XX	XX 1	XX	XX	XX
Finance	XX	XX	XX	XX 1	XX	XX	XX
Finance Director		XX	XX	XX 1			
City Manager			XX	XX 2			
Special Approval					XX 3	XX 4	XX 5

Note:

1. Special payments (1) include damage claims, education reimbursements, petty cash reimbursements, employee reimbursements, dues and membership payments, professional services payments and travel.
2. Special payments (2) include petty cash reimbursements and travel expenses paid to department directors.
3. Purchases of computer and computer related equipment must be approved by the ITS Director. This includes any hardware or software purchases. Computer supplies (e.g., paper, cartridges, etc.) do not fall in this category.
4. Purchases of communications equipment (radios, telephone systems, pagers, etc.) must be coordinated and approved by the Electronic Maintenance Division or ITS Director.
5. All purchases relating to motor vehicles and related equipment must be submitted through the Equipment Maintenance Superintendent for approval prior to purchase. This will ensure all motive equipment is entered into the maintenance program, unit numbers are assigned and issued, and maintenance history for future repairs and replacement. All motor vehicles and equipment must be turned in for disposal through the Equipment Maintenance Division in order to ensure maintenance records are retired as needed and to salvage recoverable parts. Motor vehicle refers to any vehicle that has a gas, diesel, propane or compressed natural gas engine that is not permanently fixed to a facility or facility process. Contact the Equipment Maintenance Superintendent if uncertain as to whether a particular item qualifies as a motor vehicle or related equipment.

Appendix C

Specifications Committee – Purchases Costing \$ 10,000.00 or More

1. GENERAL:

A. The Specifications Committee will review all specifications of goods and services whose cost is estimated to be \$10,000.00 or greater, and have no existing approved specifications. Departments/ divisions must coordinate with Finance Department when specifications will be presented to the Specifications Committee as it typically only meets one (1) time per month at the discretion of the Finance Director. A department/division representative must attend the Specifications Committee meeting in order to present the item. The assigned Buyer within Finance Department should also attend the meeting as necessary.

B. The Specifications Committee will be composed of the City Manager or designee, City Attorney or designee, Equipment Maintenance Superintendent, Finance Director or designee, and the Parks and Grounds Superintendent.

C. Contracts and services administered by the City Engineer's office will not be required to have review/approval by the Specifications Committee.

II. RESPONSIBILITIES:

A. Finance Department

1. The Finance Director, or designated representative, shall:

- a) Attend all meetings to provide information and act in the capacity of advisor.
- b) Have the authority to make recommendations and provide alternate specifications for consideration.
- c) Schedule meetings as necessary and prepare agenda.
- d) Assist Departments/Divisions in the preparation of specifications.
- e) Maintain a file of all approved specifications.

B. The Office of the City Attorney shall:

1. Attend all meetings in the capacity of legal advisor and voting member of the Committee.
2. Review specifications to assure that all legal requirements are met and make recommendations for changes at the Specification Committee Meeting.

C. Department/Division Responsibility:

1. Develop specifications for purchase/services that exceed \$10,000.00.
2. Specifications shall not be restrictive and should allow for competitive bidding.
3. Prior to going to the Specification Committee for consideration, specifications for computers and computer related equipment must be approved by the Information Technology Services (ITS) Director; specifications for radios, telephone equipment or services must be approved by the ITS

Director; specifications for motor vehicles and related equipment must be approved by the Equipment Maintenance Superintendent.

4. Special requirements, such as insurance needs, delivery times, or maintenance contracts should be addressed in the specifications.
5. Submit the specifications to the Finance Department. Ensure that all necessary documents are submitted with the specifications.
6. Attend Specifications Committee meeting to explain specifications.

Appendix D

Formal Bid Processing

1. Formal bids are required for purchases of \$ 75,000.01 or more.
2. The following documents are required to be submitted by the requesting department/division:
 - A. Request for Bids/Proposal, Form FN 528 (Gold Sheet) (Figure 2).
 - B. If the specifications have been previously approved, the department/division must review and certify that the specifications are current. If specifications have not been approved, they must be submitted to the Finance Department for review/approval prior to the Finance Department advertising for bids. See Appendix C.
3. All of the above documents must be submitted prior to the Finance Department soliciting bids.
4. All documents pertaining to a formal bid request (Gold Sheet, Requisition and Division Recommendation for Award) must be signed by the department/division director.
5. All contracts that are included as part of a bid package must be the standard form contract that has been approved by the Legal Department. If deviations are required, the contract must be reviewed by the Legal Department prior to being included as part of the bid package.

Appendix E

City of Lawton REQUEST FOR PROPOSALS

MAIL SEALED PROPOSALS TO: City Clerk City of Lawton 212 SW 9 th Street Lawton, OK 73501		DIRECT INQUIRIES TO:	
Date Proposal Typed:	Date(s) Advertised:	No Proposals Received After: 2:00 P.M.	
Proposal Number and Title: Requirements-type Proposal: <input type="checkbox"/> yes <input type="checkbox"/> no		Proposal valid until:	
Bid Openings are held at Lawton City Hall 3 rd Floor Conference Room 212 SW 9 th Street Lawton, OK 73501 @ 2:00 pm Vendor Name and Point of Contact: Mailing Address: City: State: Zip:		Reason for No Proposal:	
Area Code and Phone Number:		FAX Area Code and Phone Number:	
Federal Employer Identification Number or Social Security Number			

THIS PROPOSAL INVALID IF NOT SIGNED AND NOTARIZED

AFFIDAVIT:

STATE OF _____ COUNTY OF _____, of lawful age, being first duly sworn, on oath says that:

1. Affiant is the duly authorized agent of the bidder/vendor and/or contractor submitting the competitive bid and executing the contract which is attached to this statement, and that as such agent Affiant has the authority to bind the bidder/vendor, whether an individual, partnership, or corporation, for the purpose of negotiating and entering into said agreement, and for certifying the facts pertaining to the existence of collusion among bidders and between bidders and City officials or employees, as well as facts pertaining to the giving or offering of things of value to government personnel in return for special consideration in the letting of any contract pursuant to the bid to which this statement is attached; 2. Affiant is fully aware of the facts and circumstances surrounding the making of the bid and/or the procurement of the contract to which this statement is attached and has been personally and directly involved in the proceedings leading to the submission of such bids; 3. Neither the bidder/vendor nor anyone subject to the bidder/vendor's direction or control has been a party: a. to any collusion among bidders in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from bidding, b. to any collusion with any municipal official or employee as to quantity, quality or price in the prospective contract, or as to any other terms of such prospective contract, c. in any discussions between bidders and any municipal official concerning exchange of money or other thing of value for special consideration in the letting of a contract, nor d. to paying, giving or donating or agreeing to pay, give or donate to any officer or employee of the City of Lawton, any money or other thing of value, either directly or indirectly, in procuring the contract to which his statement is attached. 4. Affiant further agrees to be held personally liable in the event that Affiant has misrepresented the scope or extend of Affiant's authority to bind the bidder herein, and to indemnify and hold harmless the City of Lawton its departments, boards, commissions, agencies, institutions, and all employees of the aforementioned from all damages based upon such misrepresentation, including but not limited to all costs and attorney fees incurred, in addition to any other remedies available by law.

Firm: _____

Address: _____

(City, State, Zip)

Phone: _____

SIGNATURE OF AUTHORIZED AGENT

PRINT/TYPE NAME/TITLE

Subscribed & sworn before me this _____ day of _____, 20_____.

Notary Public

My Commission expires: _____

Appendix F

Contract Change Order Procedures

- I.** Requests for contract change orders will be processed on Contract Change Order form, Form 36-002, (Figure 3).
- II.** Contract change orders will be processed using the following procedures:
 - A.** When there is a change of conditions that requires modifications to a current contract, the responsible department/division will coordinate the change. The responsible department/division will obtain a letter from the vendor outlining the changes and the costs associated with each change. The department/division director will submit a memorandum, with vendor's letter attached, and recommendation regarding the proposed changes to the Finance Department.
 - B.** The Finance Department will review the request and send it to the City Attorney's office for review. Upon completion of the legal review, the Finance Department will prepare a Contract Change Order, Form 36-002, and forward it to the originating department/division for signature.
 - C.** The responsible department/division will forward the form to the vendor for completion. Upon return from the vendor, the completed form will be forwarded to the Finance Department for further processing.
 - D.** The Finance Department will prepare the agenda item for City Council approval.
 - E.** After approval, the Finance Department will provide copies of the approved Form 36-002 to the vendor and responsible department/division. If disapproved, the Finance Department will notify the originating department/division.
- III.** Approval authority. The city council is the approving authority for contract changes orders. However, change orders up to forty thousand dollars (\$40,000.00) or ten percent (10%) of the contract amount, whichever is less, may be approved by the city manager or his/her designee, with any change orders so approved being reported to the city council at the next regularly scheduled council meeting. See: Ordinance No. 20-09.

Appendix G

Special Authorizations

1. Emergency Purchase Orders

A. Emergency situations occur which require purchasing goods or services immediately.

B. During normal duty hours. Before obtaining the goods/services, the department/division director or his representative must call the Finance Department for an Emergency Purchase Order number. An Emergency Purchase Order will be issued only after it is determined that the goods/services cannot be obtained utilizing the routine procedures.

C. After normal duty hours. If an emergency occurs after normal duty hours, the department/division director or his representative should have the work done. On the first business day after the emergency, contact the Finance Department to obtain an Emergency Purchase Order number. The department director must include a memorandum with the requisition explaining the circumstances that necessitated the work being done on an emergency basis.

D. The Emergency Purchase Order is to cover the existing emergency. Any other work that needs to be done must be processed in accordance with this policy.

E. Emergency Purchase Orders will not be issued for work expected to exceed \$75,000.00. These emergencies must be approved by the City Council prior to the work being done.

F. The following information must be provided when requesting an Emergency Purchase Order number:

1. Nature of emergency
2. Efforts taken to resolve using routine procedures
3. Length of time problem existed
4. Estimated cost of goods/services
5. Vendor to be used to provide service

G. The Emergency Purchase Order number must be listed on the purchase requisition.

2. Authorization Numbers

A. Certain repairs are provided from a rotating vendors list. The Finance Department maintains a list of approved vendors for the following services:

- 1) Alternator/Starter Repairs
- 2) Appliance Repairs
- 3) Electrical Work
- 4) Plumbing Services
- 5) Heat/Air Conditioning Repairs (for work not covered by contract)
- 6) Overhead Door Repairs
- 7) Upholstery

B. Before obtaining these services, the department/division must obtain an authorization number from the Finance Department.

C. Authorization numbers are issued only for repair of current equipment.

D. After the repairs have been completed, the department/division must inform the Finance Department of the costs incurred.

E. The authorization number must be listed on the requisition.

Appendix H

Budget Transfers

Transfers of funds within budgeted accounts may be made using controlled Internal Transfer forms obtained from Finance Department. The following procedures must be followed to transfer appropriated budgeted amounts:

A. All transfers must be signed by the department/division director and the Finance Department.

B. The City Manager will sign:

- 1) Any transfers out of the personnel services (100 series) accounts.
- 2) All transfers within the capital outlay (300 series) accounts for the purchase of items not previously budgeted.
- 3) Any transfer over \$10,000.00.
- 4) Transfers between statutory accounts, such as 100 series to 200 series, etc.

C. Transfers from one department to another department will be made pursuant to the current year Budget Resolution.

D. Transmittal letters are not required to accompany a transfer form. However, in the reason for transfer section, a brief description must explain the need for the funds going to the transfer-in account and the reason funds are not required in the transfer-out account.

Appendix I

Extension of Contracts

Requirement contracts are bid for one (1) year, with the possibility of renewal for two (2) further years. The following procedures shall be followed to extend an existing contract.

A. Approximately ninety (90) days before expiration date, the Finance Department will notify the department/division director(s) of the expiration date and request their recommendation in writing on whether to renew the contract. All recommendations must be signed or initialed by the department/division director or assistant director.

1. If the department/division reply is affirmative, the Finance Department will notify the vendor in writing and request that the contract be extended. If the vendor agrees, a contract renewal form is signed and returned by the vendor. If the vendor declines, the Finance Department will advise the department/division and get direction on how to proceed with the bid process.
2. If the department/division reply is negative, specific reasons for dissatisfaction with the contract must be outlined in the department/division's reply. It is the responsibility of the department/division to notify the Finance Department on whether to proceed with any new bid solicitations.
3. For all contracts that are going out for the bid solicitation, instructions are provided in Appendix C, Specifications, and Appendix D, Formal Bid Processing.

B. For contracts that are being extended, the Finance Department will prepare an agenda item and contract extension request for review by the City Attorney's office and ultimately submit it to the City Council. If the extension is approved by City Council, the contract extension form is signed and copies are sent to the department/division and to the vendor.

ATTACHMENTS - Appendix A-I, Figure 1

Sole Source Request

(to be submitted on Department letterhead)

MEMORANDUM

TO: Finance Department

THRU:

FROM:

SUBJECT: Sole Source Request

DATE:

Request that _____ be accepted as a sole source provider for the goods/services on the enclosed requisition. The goods/services requested are very specialized or a type of acquired expertise is needed.

These goods/services will be used for the following: _____

A copy of the specifications for the goods/services is provided with this request.

To the best of my knowledge, _____ is the only vendor that can provide these goods/services. The goods/services must be obtained from this vendor for the following reasons:

The following is a brief description of all efforts which were made to determine if the goods/services are available from our sources:

I understand that no city funds may be obligated for the goods/services until a determination is made on this request. This department has not committed to purchasing these goods/services.

ATTACHMENTS - Appendix A-I, Figure 2
Form FN 528 (Gold Sheet)

 REQUEST FOR BIDS
(FOR PURCHASES OF \$ 75,000.01 AND OVER)
 REQUEST FOR PROPOSALS

TO: Finance Department **DATE:**

FROM: _____ (DEPARTMENT)
_____ (DIVISION) _____ (POINT OF CONTACT)

1. ITEM DESCRIPTION:

2. BUDGETED:

<u> </u> Yes	Amount	Budgeted	_____	Account	Number
<u> </u> No Estimated Amount _____ Attach Copy of Approved Transfer Request					

3. TYPE OF CONTRACT:

 One-time Purchase (Attach copy of the requisition)
 Requirements Contract

4. PREVIOUSLY APPROVED SPECIFICATIONS:

 Yes Specifications Number & Date Approved:
 No Attach a copy of detailed specification for item in correct format.

5. KNOWN SOURCES OF SUPPLY: (Include all sources which have bid on similar items within the preceding three (3) years.)
FIRM: ADDRESS:

6. COMMENTS:

Division Supervisor / Department Director

**ATTACHMENTS - Appendix A-I, Figure 3
Form 36-002 Contract Change Order pg. 1**

CITY OF LAWTON, OKLAHOMA
Finance Department, Finance Department
Contract Change Order
DATE:

TO:

Contract #:
Contract Name:
Change Order No.

The City of Lawton and the above named vendor agree to the following changes in the previously awarded contract.

JUSTIFICATION FOR CHANGE

1. Specific items changed:

2. Necessity for change:

3. Is proposed change an alternate bid?
(Please Circle Yes or No)

YES **NO**

4. Will this change affect expiration or amount of insurance coverage? (Please Circle Yes or No)

YES **NO**

Change in contract price due to this Change Order:

Total decrease

\$ _____

Total increase

\$ _____

Difference between columns

\$ _____

Net change in contract price (Please Check One)

___ INCREASE ___ DECREASE ___ NO CHANGE

\$ _____

The sum of _____ is hereby (Please Circle One) **ADDED** to **DEDUCTED** from the total contract price, and the total adjusted contract price, for this vendor, to date thereby is _____.

(Please Check One) INCREASED DECREASED NO CHANGE

ATTACHMENTS - Appendix A-I, Figure 3
Form 36-002 Contract Change Order pg. 2

CONTRACT CHANGE ORDER (CONT)

The time provided for completion in the contract is (Please Check One) **UNCHANGED, INCREASED, DECREASED** by _____ calendar days. This document and all provisions of the contract will apply hereto.

Department approval: _____ Date: _____

Typed/Printed Name

Purchasing Division Review: _____ Date: _____

_____, Finance Director
Typed/Printed Name

AFFIDAVIT:

STATE OF _____

COUNTY OF _____,

(name of affiant), of lawful age, being first duly sworn, on oath
says that:

1. Affiant is the duly authorized agent of the vendor awarded this contract and executing the above change order, and that as such agent Affiant has the authority to bind the vendor, whether an individual, partnership, or corporation, for the purpose of negotiating, altering and entering into said agreement, and for certifying the facts pertaining to the existence of collusion among vendors and City officials or employees, as well as facts pertaining to the giving or offering of things of value to government personnel in return for special consideration in the letting or modifying of any contract entered to which this statement is attached; 2. Affiant is fully aware of the facts and circumstances surrounding the making of the agreement and/or the procurement of the contract to which this statement is attached and has been personally and directly involved in the proceedings leading to the entry into such agreement; 3. Neither the vendor nor anyone subject to the vendor's direction or control has been a party: a. to any collusion among vendors in restraint of freedom of competition by agreement to bid at a fixed price or to refrain from modifying this agreement; b. to any collusion which any municipal official or employee as to quantity, quality or price in the contract, or as to any other terms of such contract; c. in any discussions between vendors and any municipal official concerning exchange of money or other thing of value for special consideration in the letting or modification of a contract; nor d. to paying, giving or donating or agreeing to pay, give or donate to any officer or employee of the City of Lawton, any money or other thing of value, either directly or indirectly, in procuring the contract modification which his statement is attached. 4. Affiant further agrees to be held personally liable in the event that Affiant has misrepresented the scope or extent of Affiant's authority to bind the vendor herein, and to indemnify and hold harmless the City of Lawton, its departments, boards, commissions, agencies, institutions, and all employees of the aforementioned from all damages based upon such misrepresentation, including but not limited to all costs and attorney fees incurred, in addition to any other remedies available by law.

Firm: _____ **SIGNATURE OF AUTHORIZED AGENT**

Address: _____

PRINT/TYPE NAME/TITLE

(City, State, Zip) Subscribed & sworn before me this _____ day of
_____, 20____.

Phone: _____

Notary Public

My Commission Expires: _____

**ATTACHMENTS - Appendix A-I, Figure 3
Form 36-002 Contract Change Order pg. 3**

CITY APPROVAL

The City of Lawton, Oklahoma,
a Municipal Corporation

MAYOR

ATTEST:

City Clerk

LEGAL REVIEW

APPROVED as to form and legality on behalf of the City of Lawton on the _____ day of
_____, 20____.

CITY ATTORNEY

ENCUMBERING OFFICER REVIEW

I hereby certify that the amount of this encumbrance has been entered against the designated appropriation accounts and that this encumbrance is within the authorized available balance of said appropriation.

Dated this _____ day of _____, 20____.

Encumbering Officer

ATTACHMENTS - Appendix A-I, Figure 4
Affidavit for Payment

AFFIDAVIT FOR CONTRACTS AND PAYMENTS \$25,000 OR MORE

State of Oklahoma

:§

County of _____

The undersigned (architect, contractor, supplier or engineer), of lawful age, being first duly sworn, on oath says that this invoice or claim is true and correct. Affiant further states that the (work, services or materials) as shown by this invoice or claim have been (completed or supplied) in accordance with the plans, specifications, orders or requests furnished the affiant. Affiant further states that (s)he has made no payment directly or indirectly to any elected official, officer or employee of the State of Oklahoma, any county or local subdivision of the state, of money or any other thing of value to obtain payment of the invoice or procure the contract or purchase order pursuant to which an invoice is required.

Business Name of Contractor, Architect,
Supplier or Engineer

BY: _____

Subscribed and sworn to before me this _____ day of _____, 20____,

Notary Public
(Seal)

My Commission Expires

Note: 62 Okla.St.Ann.:§ 310.9(B), Any county, municipality or school district executing a contract with any architect, contractor, supplier or engineer for construction work, services or materials which are needed on a continual basis from such architect, contractor, supplier or engineer under the terms of such contract, or executing more than one contract during the fiscal year with such architect, contractor, supplier or engineer, may require that the architect, contractor, supplier or engineer complete a signed affidavit as provided for in subsection A of this section which shall apply to all work, services or materials completed or supplied under the terms of the contract or contracts.